IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 33941 of 2006(N)

AGAINST THE ORDER DATED 7/12/06 IN IA.NO.1829/2006 IN OS.124/1997 of SUB COURT, MUVATTUPUZHA

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PETITIONER:

C.K.GEORGE, CHAKKIATH HOUSE,
KOTHAMANGALAM, KUTHUKUZHI P.O.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

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1. M.S.GERALD ALIAS TOMY, SON OF XAVIER,
RESIDING AT MUNDACKAL HOUSE, ANGADY,
KOTHAMANGALAM.

2. TRESA DAVIS, WIFE OF DAVIS,
AKKARA HOUSE, OLLUR, TRICHUR.

3. JOY PADAVIL, SON OF THOMAS,
PADAVIL HOUSE, PALAI, MEENACHIL.

4. ELSY, W/O.JOY PADAVIL, DO.

5. ROSILY BOBAN, WIFE OF BOBAN,
YOGIAVEETTIL, MUHAMMA, SHERTALLAI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, ALONG WITH WPC NO. 2277 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE PLAINT IN OS.124/97 DT.6.10.1997 OF THE SUB COURT OF MOOVATTUPUZHA

EXT.P2: -DO- OF THE WRITTEN STATEMENT IN O.S.118/97 DT.24.8.2000

EXT.P3: -DO- OF THE LETTER DT.7.3.2006 OF THE SUB JUDGE, MOOVATTUPUZHA

EXT.P4: -DO- OF THE REPORT NO: BH-40/2006 DT.28.8.2006

EXT.P5: -DO- OF THE JUDGMENT IN W.P(C) 30015/06 DT.15.11.2006

EXT.P6: -DO- OF THE AFFIDAVIT AND PETITION DT.23.11.2006 IN O.S.124/97

EXT.P7: -DO- OF THE ORDER IN I.A.1829/06 IN O.S.124/97 DT.7.12.2006

jj /TRUE COPY/

P.A.TO JUDGE

M.N.KRISHNAN, J.

WP(C)Nos.33941/06 & 2277/07

Dated this the 13th June, 2007.

JUDGMENT

Both these writ petitions are filed challenging the orders in I.A.1829/06 in O.S.124/97 and I.A.1921/06 in O.S.80/98. The prayer sought for in those applications was to get the finger print expert's report in another case to be filed and admitted in evidence. The trial court held that since the present plaintiff is not a party to those proceedings, it is not worthwhile to call for that report and thrust upon the validity or otherwise of that report on the plaintiff. Further, now it is admitted by both sides that the expert report which was called for in the earlier suit had not been accepted by the court and the suit itself had been dismissed or in other words the report in which the present writ petitioners want to rely on has not been accepted by the court wherein the same report is obtained. Therefore, there is absolutely no purpose in calling for that report to this case and therefore the order of the Trial Judge does not suffer infirmity and both these writ petitions are dismissed.

M.N.KRISHNAN
Judge

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